

PC SCAN

Amended Complaint

FILED

9/4/2024

JC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURT

MONTEZ LEE (#136908)

(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 3:23-cv-50350
(To be supplied by the Clerk of this Court)

LYNN SPELMAN

Correctional Officer

Badge # 12651

Hon. Iain D. Johnston

(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

CHECK ONE ONLY:

☒

COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)

☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)

☐ OTHER (cite statute, if known)

**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

Correspondent, United States District Court, 219 S. Dearborn Street, Chicago IL 60604. Complaints concerning claims arising at the Dixon Correctional Center should be sent to the Clerk, United States District Court, 327 S. Court Street, Rockford, IL 61101. Always keep the court informed of your address; failure to do so may result in dismissal of your case.

Revised: 03/19/15

I. Plaintiff(s):

- A. Name: MONTEZ LEE
- B. List all aliases: _____
- C. Prisoner identification number: Y36908
- D. Place of present confinement: Dixon Correctional Center
- E. Address: 2600 N. Brinton Ave. Dixon, IL 61021

(If there is more than one plaintiff, then each plaintiff must list his or her name, aliases, I.D. number, and current address according to the above format on a separate sheet of paper.)

II. Defendant(s):

(In A below, place the full name of the first defendant in the first blank, his or her official position in the second blank, and his or her place of employment in the third blank. Space for two additional defendants is provided in B and C.)

- A. Defendant: LYNN SPELMAN
- Title: Correctional Officer
- Place of Employment: Department of Corrections
- B. Defendant: _____
- Title: _____
- Place of Employment: _____
- C. Defendant: _____
- Title: _____
- Place of Employment: _____

(If you have more than three defendants, then all additional defendants must be listed according to the above format on a separate sheet of paper.)

III. Exhaustion of Administrative Remedies

You are required to exhaust all your available administrative remedies before bringing an action in federal court.

A. Is there a grievance procedure available at your institution?

YES (✓) NO () If there is no grievance procedure, skip to F.

B. Have you filed a grievance concerning the facts in this complaint?

YES (✓) NO ()

C. If your answer is YES:

1. What steps did you take?

Filed a grievance that was reviewed on
three different levels, here at Dixon
Correctional Center.

2. What was the result?

my claim was unsubstantiated

3. If the grievance was not resolved to your satisfaction, did you appeal? What was the result (if there was no procedure for appeal, so state.)

Yes, sent it all the way to Springfield
office and they said the issue was addressed by
the Facility Administration, which it was not.

D. If your answer is NO, explain why not:

E. Is the grievance procedure now completed? YES (✓) NO ()

F. If there is no grievance procedure in the institution, did you complain to authorities? YES () NO ()

G. If your answer is YES:

1. What steps did you take?

2. What was the result?

H. If your answer is NO, explain why not:

IV. List ALL lawsuits you (and your co-plaintiffs, if any) have filed in any state or federal court (including the Central and Southern Districts of Illinois):

- A. Name of case and docket number: Pitts et al v. Cook County et al 1:16-cv-11498
- B. Approximate date of filing lawsuit: 01/2016
- C. List all plaintiffs (if you had co-plaintiffs), including any aliases: Pitts et al.
Class action, so all plaintiff's names, not known...
- D. List all defendants: Thomas J. Dart
- E. Court in which the lawsuit was filed (if federal court, name the district; if state court, name the county): Northern District of Illinois
- F. Name of judge to whom case was assigned: Hon. Franklin U. Valderrama
- G. Basic claim made: Living Conditions in Cook County Jail
- H. Disposition of this case (for example: Was the case dismissed? Was it appealed? Is it still pending?): Still pending as of 9/28/20
- I. Approximate date of disposition: 9/28/20

IF YOU HAVE FILED MORE THAN ONE LAWSUIT, THEN YOU MUST DESCRIBE THE ADDITIONAL LAWSUITS ON ANOTHER PIECE OF PAPER, USING THIS SAME FORMAT. REGARDLESS OF HOW MANY CASES YOU HAVE PREVIOUSLY FILED, YOU WILL NOT BE EXCUSED FROM FILLING OUT THIS SECTION COMPLETELY, AND FAILURE TO DO SO MAY RESULT IN DISMISSAL OF YOUR CASE. CO-PLAINTIFFS MUST ALSO LIST ALL CASES THEY HAVE FILED.

V. Statement of Claim:

State here as briefly as possible the facts of your case. Describe precisely how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

This is a 1983 action, filed, due to a strong belief, that my fourth amendment constitutional rights were violated, to be secure in my persons, against unreasonable searches, and seizures, shall not be violated, and no warrants shall issue, but upon probable cause...

1. On July 15, 2022, an unreasonable and unwarranted strip searched, was conducted on me, without probable cause, as well as, the strip search was done in a public manner.

2. The strip search was conducted by a correctional officer, by the name of, Lynn Spelman. At approximately 8am, officer Spelman entered my cell at the Dixon Correctional Center in housing unit 28 cell 25, and ordered me to strip

for the purpose of looking for contraband, Though I have given anyone reason to believe that I have ever hidden contraband on my person, or anywhere else. I have not been suspected, of seen, caught, or written up for contraband on my person, since I have been incarcerated.

3. Officer Spelman was loud and his body language was aggressive in nature. I stripped as instructed, even though this was out of the norm, to be strip searched in my cell, in front of my cellmate, with the door open and female officers moving about in the halls. It was humiliating, to say the least.

4. I was asked by officer Spelman, to turn around back to him. I asked, do I have to spread my cheeks, as I did not want to reveal my hemorrhoidal medical condition. His answer, was to bend and spread'em, in a menacing tone and I complied, but turned to see officer Spelman, backing away and making a face I still see in my mind, to this day...

VI. Relief:

5. After officer Spelman was done looking down on me with disdain and disgust. I ordered to dress slowly, humiliated, embarrassed and an emotional wreck, I was trembling, literally, in front of my cellmate and several others in the hall behind me, including female officers.

6. Despite the fact that officer Spelman is familiar with the Illinois Department of Corrections policy and rules on strip searches, he still strip searched me in a public manner, where the searched was observed by persons not conducting the search and in some cases, also protected and supported by the fourth amendment of the U.S. Constitution, as well as the Illinois State Constitution. Article I-Bill of Rights Section 6.

7. Though I do not recognize officer Lynn Spelman as an employee at Dixon Correctional Center/officers from other Illinois prisons helped conduct this needlessly intrusive

Strip search) the policies and the Constitution are the same everywhere for everyone. The norm is to be strip searched individually with no females present, or peers of mine.

8. As a result of defendant Spelman's negligent actions taken on 7-15-22, I still suffer from emotional and psychological pain to this day and even though bodily privacy is drastically limited in prison, I believe that the facts in this claim and the negligent actions of officer Lynn Spelman, conducting a needlessly intrusive and public strip search on me, without probable cause did indeed violate my fourth amendment right to bodily privacy.

9. Two Attachments, one showing how I have made a federal claim, twice now and stating exactly what a federal claim is, as I was at first confused about how I wasn't making one. The other attachment shows my final appeal to Springfield and them acknowledging an issue on this matter, but got from Dixon Administration that the situation was addressed by the facility Administration, which is fake.

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

I would like for the court to order a monetary award
in the amount of \$25,000.00, for negligent infliction of
emotional distress and gross negligence...

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 4th day of September, 2024

Montez Lee

(Signature of plaintiff or plaintiffs)

MONTENZ LEE

(Print name)

Y36908

(I.D. Number)

2600 N. Brinton Ave.

Dixon, IL 61021

(Address)

A federal claim in a lawsuit is a claim that involves the United States government, the Constitution, or federal laws. Federal courts have jurisdiction over these types of cases, and the law involved may be the Constitution or a statute passed by Congress. ^

Exhibit
A

The Illinois Department of Corrections

4301 Concordia Court, P.O. Box 19277 • Springfield, IL 62794-9277 • (217) 558-2200 TDD: (800) 526-0844

Name: LEE, MONTEZ

5/2/23

Date

ID#: Y36908

Facility: DIXON

This is in response to your grievance received on 1-3-23. This office has determined the issue will be addressed without a formal hearing. A review of the Grievance, Grievance Officer/CAO response to the grievance has been conducted. For a grievance that is direct review by the ARB, a review of the Grievance has been conducted.

Your issue regarding: Grievance dated: 7-31-22 Grievance Number: 223676 Griev Loc: DIXON

- ☐ Medical _____
- ☐ Dietary _____
- ☐ Personal Property _____
- ☐ Mailroom/Publications _____
- ☒ Staff Conduct Claims un-named staff strip searched grievant where others could possibly see on 7-15-22.
- ☐ Commissary / Trust Fund _____
- ☐ Conditions (cell conditions, cleaning supplies, etc.) _____
- ☐ Disciplinary Report: Dated: _____ Incident # _____
- ☐ Other _____

Based on a review of all available information, this office has determined your grievance to be:

- ☐ Affirmed _____
- ☐ Denied as the facility is following the procedures outlined in DR525.
- ☐ Denied in accordance with DR504F, this is an administrative decision.
- ☐ Denied as procedures were followed in accordance with DR 420 for removal/denial from/for an assignment.
- ☒ Denied this office finds the issue was appropriately addressed by the facility Administration.
- ☐ Denied as this office finds no violation of the grievant's due process in accordance with DR504.80 and DR504.30. This office is reasonably satisfied the offense cited in the report was committed.
- ☒ Other: Staff misconduct is unsubstantiated.

FOR THE BOARD:


Clayton Stephenson
Administrative Review Board

CONCURRED:


Latoya Hughes
Acting Director

CC: Warden, DIXON Correctional Center
LEE, MONTEZ, ID# Y36908

Mission: To serve justice in Illinois and increase public safety by promoting positive change for those in custody, operating successful reentry programs, and reducing victimization.